

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 32**

(Oakland, CA)

BIG VALLEY FORD, INC.

Employer<sup>1</sup>

and

Case 32-RC-5370

MACHINISTS AND MECHANICS LODGE  
NO. 2182, MACHINISTS DISTRICT LODGE  
NO. 190, INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND AEROSPACE WORKERS,  
AFL-CIO

Petitioner<sup>2</sup>

**DECISION AND DIRECTION OF ELECTION**

The Employer, Big Valley Ford, Inc., operates a car dealership Stockton, California. The Petitioner, Machinists and Mechanics Lodge No. 2182, Machinists District Lodge No. 190, International Association of Machinists and Aerospace Workers, AFL-CIO, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a unit of the service technicians employed at the Employer's Stockton, California facility. Specifically, the Petitioner seeks to represent a unit of all full-time and regular part-time automotive technicians, truck and fleet technicians, quick lane technicians,<sup>3</sup> asset technicians, and their apprentices; excluding all other employees, including body shop employees, service advisors, parts department employees, QC technicians, guards, business

---

<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> The name of the Petitioner appears as amended at the hearing.

<sup>3</sup> The quick land technicians are also referred to as lube technicians.

office clerical employees, and supervisors as defined in the Act.<sup>4</sup> A hearing officer of the Board held a hearing. Both the Petitioner and the Employer filed briefs with me.

As evidenced at the hearing and in the briefs, the parties disagree on whether the Unit is an appropriate unit. The Petitioner contends that its proposed unit constitutes a craft unit and is therefore an appropriate unit. The Employer contends that the proposed unit is not a craft unit because it includes lube technicians, who perform less complex work than the other service technicians. The Employer argues that because the unit is not a craft unit, the only appropriate unit based on community of interest standards is a unit of all Service Department employees,<sup>5</sup> including service advisors, body shop employees, pre-delivery inspection employees, and a quality control employee. The Employer also argues that even if the proposed unit is a craft unit, the body shop employees must also be included in that unit because they too are craft unit employees. Thus, the following issues are in dispute: (1) whether the proposed unit is a craft unit that is an appropriate unit without the body shop employees; (2) whether service advisors must be included in the unit if it is a craft unit; (3) whether the quality control employee must be included in the unit if it is a craft unit; and (4) whether the body shop employees, including pre-delivery inspection employees, must be included in the proposed craft unit.<sup>6</sup>

I have considered the evidence and the arguments presented by the parties on each of these issues. As discussed below, I have concluded that the Employer's service technicians, including automotive service technicians, truck and fleet technicians, quick lane technicians, and

---

<sup>4</sup> There are approximately 24 service technicians, of which 16 are automotive service technicians and 8 are truck and fleet technicians. There are approximately 8 quick lane technicians and 3 "Asset" apprentice technicians. Therefore, the unit sought by the Petitioner includes approximately 35 employees.

<sup>5</sup> The Employer employs one QC technician, 11 service advisors and 10 body shop employees, of which 3 are pre-delivery inspection employees. Thus, the unit proposed by the Employer would include approximately 57 employees.

<sup>6</sup> The Employer also appears to argue that the parts department employees should be included in the unit I find appropriate, if that unit is not a craft unit. As I have concluded that the appropriate unit in this case is a craft unit, I need not address the exclusion of the parts department employees. I note that I have found no cases in which the parts department employees have been included in a service technician craft unit.

“Asset” apprentice technicians, constitute an appropriate craft unit for collective bargaining purposes. I have further concluded that the QC technician should be included in this craft unit. However, the service advisors and body shop employees, including pre-delivery inspection employees, are properly excluded from the unit.

### **THE EMPLOYER’S OPERATION**

The Employer is engaged in the sale and service of new and used automobiles, including cars, trucks and fleet vehicles, at 3282 Auto Center Circle in Stockton, California. Paul Umdenstock, the Employer’s Owner and President, has owned and operated the facility since May 1982. The service side of the Employer’s operation is divided into three departments: the parts department, the service department and the body shop. These three departments are housed in the same building, while the sales department is located in a separate building.

The service side of the Employer’s business is under the direction of Joe Wang, who holds the position of Parts, Service and Body Shop Director. The managers of those three departments report directly to Wang. Mike Baltzer is the parts department manager.<sup>7</sup> John Hennessy is the service department manager, and Dan Adams is the body shop manager.

In the service department, Hennessy manages six teams of service technicians, including three teams dedicated to general automotive service, one team dedicated to used-car service, one team dedicated to truck/fleet service, and one team dedicated to quick lane service. In addition to the technicians, one or two service advisors are assigned to each team, and Hennessy supervises the service advisors as well. Hennessy also supervises the quality control employee, Kevin Kroeze, who inspects vehicles after they have received service repairs.

---

<sup>7</sup> The parts department is not at issue. The Petitioner does not seek to include the parts department employees in the petitioned-for bargaining unit, and the Employer does not contend that they should be included.

On the body shop side, Adams supervises the body shop team and the pre-delivery inspection team. The body shop team includes two service advisors and seven body shop technicians, while the pre-delivery inspection team includes one dispatcher and three employees.<sup>8</sup> Every team in the service shop and body shop has a lead technician, but neither party contends that the leads are supervisors.

### **ANALYSIS**

#### **A SERVICE TECHNICIAN UNIT IS AN APPROPRIATE CRAFT UNIT, WITHOUT THE INCLUSION OF BODY SHOP EMPLOYEES**

The Board has long held that a craft unit of service technicians consists of a distinct and homogeneous group of skilled journeymen who are working as such, along with their helpers and apprentices.<sup>9</sup> Fletcher Jones Las Vegas d/b/a Fletcher Jones Chevrolet, 300 NLRB 875 (1990); Dodge City of Wauwatosa, 282 NLRB 459, 460 fn. 6 (1986); and Trevellyan Oldsmobile Co., 133 NLRB 1272 (1961). Other than the quick lane employees, the Employer does not dispute that the employees in the classifications in the proposed unit constitute craft employees and argues that the body shop employees are also craft employees who should be included in a combined craft unit. Moreover, as shown below, the evidence demonstrates that the service technicians meet the Board's test for constituting a craft unit.

In determining whether a petitioned-for unit is an appropriate craft unit, "the Board examines: (1) whether the work performed by the employees requires a significant degree of skill that must be developed through extensive experience and/or training or by participation in an apprenticeship program; (2) whether the employees take part in a formal training or

---

<sup>8</sup> Pre-delivery inspection does not require a service "advisor" because the work is not generated by customer repair orders.

<sup>9</sup> The Union seeks the inclusion of the asset technicians, and the Employer acknowledges that the asset technicians are apprentices who belong in a craft unit. In view of the positions of the parties, the nature of the apprenticeship program, the nature of the work performed by the asset technicians, and the common supervision that they share with the regular service technicians and the quick lane technicians, I conclude that the asset technicians are included in the service technician unit.

apprenticeship program; (3) whether the work is functionally integrated with the work of the excluded employees; (4) whether the duties of the petitioned-for employees overlap with the duties of the excluded employees; (5) whether the employer assigns work according to need rather than on craft or jurisdictional lines; (6) and whether the petitioned-for employees share common interests with other employees.” MGM Mirage d/b/a The Mirage Casino-Hotel, 338 NLRB No. 64 (November 20, 2002).

The Vehicle Service and Repair Work Performed by the Service Technicians Requires the Completion of an Apprenticeship Program or Extensive Experience and/or Training in Vehicle Maintenance and Repair

The record shows that the regular service technicians perform the type of work traditionally performed by dealership service technicians. They use diagnostic machines to determine mechanical problems, for example, with the engine, chassis, drive train, or brakes. The Employer uses the Worldwide Diagnostic System (WDS) and has a WDS machine in both the auto shop and the truck shop.<sup>10</sup> Based on the diagnostic equipment, and/or their own experience and skill, the service technicians identify the problems that are causing the vehicles to malfunction, and, typically using their own specialized tools, they repair the vehicles so that the vehicles function properly. Thus, they routinely perform difficult mechanical work that requires considerable skill and training, and use their own specialized tools to perform the repairs. The Employer’s operation of an apprentice system, the asset technicians program, also demonstrates that the Employer recognizes that service technicians require either the type of skills that can be learned in an apprenticeship program or through other extensive experience and training. Therefore, the evidence regarding the level of skill required to perform service technician work supports the conclusion that they constitute a craft unit.

---

<sup>10</sup> There is no evidence or claim that the Employer has a WDS machine in the body shop.

## Training

Of the Employer's 24 automotive and truck/fleet service technicians, 17 of them, or just over 2/3, have multiple professional certifications. Six of them have no certifications.<sup>11</sup> The Employer recognizes three broad categories of automotive service certifications, including Ford, Automotive Service Excellence (ASE), and "other" certifications. Ford certifications are based on training provided by Ford Motor Company. ASE is an industry-standard certification program. In the case of the automotive service technicians, "other" certification most commonly refers to a license to perform smog checks for the State of California.

Wang testified that an auto service technician must generally complete 8-12 classes in order to earn one Ford certification. Ford does not give credit for any of the classes until the technician completes all of the classes required for the certification, so the amount of formal training is actually much greater than what the number of certifications reflects. Thus, an employee like Glenn Clays, who has only one Ford certification, has nonetheless completed 8-12 classes with Ford Motor Company. The two employees who have only one Ford certification each, Clays and Kunthy Chau, are both lead technicians and it appears they are considered journeymen technicians despite their lack of Ford certifications.<sup>12</sup> A technician becomes "master certified" after earning all Ford certifications. Jeff Joaquin, the lead technician in the truck/fleet shop, has earned 10 Ford certifications and is master certified. Two other technicians, Frank Arredondo and Jedd Bahara, have also earned 10 Ford certifications each, and another two technicians have earned nine Ford certifications each. Fourteen of the service technicians

---

<sup>11</sup> Although Wang testified at the hearing that seven automotive service technicians have no certification, he was including Mike Parks in the count. Employer Exhibit 14 shows that Parks has no certification; however, Parks works on the pre-delivery inspection team, and the parties dispute whether he is a service technician.

<sup>12</sup> Clays is the lead technician for a group of four automotive service technicians in the main shop. Chau is the lead technician for a group of five automotive service technicians in the used-car shop.

possess various numbers of ASE certifications, ranging from one ASE certification (Clays) to 20 ASE certifications (Joaquin).

Two of the Employer's eight quick lane employees have multiple certifications.<sup>13</sup> The remaining six have no certifications. The Employer's three asset technicians have no certifications, but they are currently enrolled in Ford's automotive service training program. Although all of the Employer's 11 service advisors are certified, service advisor certifications are significantly different from automotive service certifications. The training and certifications for service advisors do not involve any practical, hands-on auto repair work, and the certifications do not require the employees to know how to do repairs. Also, unlike the service technicians, the service advisor certifications include a customer service component, as customer service is a critical aspect of the service advisor job.<sup>14</sup> None of the Employer's 10 body shop employees have any Ford or ASE certifications, but five of them have earned ICAR, a certification accepted by the insurance industry for proper repair of collision-damaged vehicles, one of them is certified to perform air conditioning work and another one has been certified by a paint manufacturer's technical training school.<sup>15</sup> Even though some of the service technicians do not have certifications, the fact that two thirds of them do have certifications supports my conclusion that the service technicians constitute a craft unit.

---

<sup>13</sup> Ron Adams has three Ford certifications, as well as three ASE certifications. Lisa Reynolds has two ASE certifications.

<sup>14</sup> None of the body shop employees have any Ford or ASE certifications, but six of the 10 body shop employees have earned ICAR, a certification accepted by the insurance industry for proper repair of collision-damaged vehicles. Ford only recently developed a certification program for body shop technicians. None of the body shop technicians have enrolled in the program, but body shop manager Adams anticipates that they will. In any case, Ford's training program for body shop technicians is different from its training program for service technicians, which apparently has been in place for years, as the Employer's long-time service technicians possess numerous Ford certificates.

<sup>15</sup> Ford only recently developed a certification program for body shop technicians. None of the body shop technicians have enrolled in the program, but body shop manager Adams anticipates that they will. In any case, Ford's training program for body shop technicians is different from its training program for service technicians, which apparently has been in place for years, as the Employer's long-time service technicians possess numerous Ford certificates.

### Functional Integration of Work

The service technicians' work is not functionally integrated with the work of body shop employees or service advisors. The only time there is any integration is when a vehicle requires both service shop and body shop work, but even in this case, the service shop and body shop employees rarely work side-by-side. The evidence shows that about 1-3 times per week, a service shop employee may come to the body shop to work on a vehicle that is not "driveable" and cannot be moved to the service shop. Occasionally, about 2-5 times per month, a body shop employee may go to the service shop to assist a front-end mechanic at the alignment rack when items were not pulled out far enough by the body technician when the vehicle was in the body shop. The evidence does not show that service shop and body shop employees share work, or even that teams of service shop and body shop employees are assigned to work together on certain vehicles. The evidence shows that the shops operate independently. When a service shop employee performs work in the body shop, and vice versa, it is based on the condition and driveability of the vehicle, not based on the functional integration of the shops.

### Overlap of Duties

The Employer contends that service shop and body shop employees' duties overlap because both groups disassemble vehicles and both groups use the same types of tools to do it. Body shop employees often have to remove doors, glass, door handles, and locks. However, this work is incidental to the body shop employees' main function of performing body work, such as removing dents and painting. The service shop employees also have to disassemble vehicles. For example, they have to remove the front end in order to remove the engine to repair it. However, service technician Chris Doig testified that if he notices a dent on the front-end while removing it, he does not repair it. Doig testified that he does not have the ability to accurately



repair dents. Some “overlap in lesser-skilled duties does not destroy the appropriateness” of a separate craft unit. MGM Mirage d/b/a The Mirage Casino-Hotel, 338 NLRB No. 64 (November 20, 2002). *See also* Schaus Roofing & Mechanical Contractors, Inc., 323 NLRB 781 (1997) (“the overlapping of duties in the lesser-skilled aspects of a trade does not preclude a craft unit”). I find that any overlap of service shop and body shop work involves lesser-skilled duties that are incidental to performing the more-specialized service shop and body shop work.

#### Assignment of Work

The Employer clearly assigns work based on craft. The shop is divided into distinct work areas. Automotive repairs are done in the main service shop. Truck/fleet work is done in the truck shop. The more routine maintenance/repair work is done in the quick lane. Body work is done in the body shop. Pre-delivery inspections and detailing are done just outside the body shop. There is no evidence that employees are ever shifted between shops based on workload, or that service shop employees are also assigned to do the body work on the cars they are servicing, or that body shop employees are also assigned to do the maintenance and mechanical repairs on cars in the body shop. On the contrary, Adams testified that although his body shop employees are capable of doing many of the mechanical adjustments needed by cars in the body shop, such as clearing ABS lights and “check engine” lights, he nonetheless calls a service technician to come into the body shop and do the work. He testified that he calls a service technician to do work in the body shop about 1-3 times a week because he wants his employees to spend their time doing body work, which he described as taking cars apart and repairing the damage to the body. He testified that it is not productive for body shop employees to spend their time doing work that a service technician could do. The fact that service shop employees go into the body shop to perform service work does not show an interchange of employees or an interchange of

work, but just the opposite; work is assigned along craft lines. There are no temporary transfers between service shop and body shop employees. There have also been no permanent transfers from the body shop to the service shop, or vice versa.

Although there is no evidence of temporary transfers between the main service shop and the quick lane, there is evidence of interchange between these shops. Two quick lane work stalls are permanently located in the main service shop, where two quick lane employees work side-by-side with the service technicians.<sup>16</sup> At least one employee, Lay Prom, has moved up from the quick lane to the main automotive service shop. The three asset technicians who are in training to become Ford service technicians are assigned to both the main shop and the quick lane. When the asset technicians are working full-time at the dealership, they are assigned to work with an experienced technician in the main service shop practicing whatever skill they most recently studied in school. When the asset technicians are in-school, they are assigned to work in the quick lane on Saturdays. The asset technicians are not assigned to do body work in the body shop at any time. The fact that the asset technicians move between the main service shop and the quick lane, but not between the service shop and the body shop, supports a finding that the routine maintenance performed in the quick lane is work that belongs to the service technician craft.

#### Community of Interest

The service technicians share some community of interest with the body shop and parts employees. The work in each department relates to repairing vehicles. Service technicians often need new parts to complete a repair and occasionally work in the body shop area to get a vehicle operational so that it can be driven to the service area. All of the employees are subject to the

---

<sup>16</sup> The quick lane employees rotate among stalls, so it is not always the same two who work in the service shop. There is no evidence that the two quick lane employees who are assigned to the service shop have any greater skill or experience than the others.

Employer's general rules and policies and they work similar hours. However, the service technicians share an even stronger separate community of interest. Some of the work they perform is the same, and all of the work they perform involves the prevention and repair of mechanical breakdowns. Much of their work requires common skills and tools, which are quite different from the work performed by the parts and body shop employees. The supervisor of the service technicians, John Hennessey, supervises only those employees, and he does not supervise the parts or body shop employees. In these circumstances, I conclude that the community of interest evidence supports the finding that the service technician unit is a separate, homogenous group warranting the designation of a craft unit.

The Service Technician Unit Is an Appropriate Craft Unit Even with the Inclusion of the Quick Lane Technicians and Despite the Exclusion of the Body Shop Employees and Service Advisors

As noted above, the Employer states that the proposed unit is not an appropriate craft unit in part because it includes the quick lane employees, who do not perform the more complex work performed by the regular service technicians and therefore are not required to have the same degree of training and experience as the regular service technicians. The Courts of Appeals' decision in Country Ford Trucks upheld the Board's decision that lube technicians were properly included in a craft unit with other service technicians, even though the lube technicians were primarily responsible for oil and filter changes, had no certifications, received hourly rather than flat rate pay, and were not required to own their own tools. Country Ford Trucks, Inc., 229 F.3d 1184, 1187 (D.C.Cir. 2000). Although the quick lane technicians here, like the lube technicians in Country Ford Trucks, are not required to have the same level of skill and experience as the regular service technicians, I conclude that the quick lane technicians should be included in the craft unit as helpers or trainees, based on the type of work they

perform, the skill required to perform that work, and the functional integration of the quick lane and regular service operations.

Wang, the Parts, Service and Body Shop Director, testified that there are two broad categories of automotive service work: repair and preventive maintenance. The Employer set up the quick lane for routine maintenance about 1½ -2 years ago.<sup>17</sup> Wang testified that the quick lane system was installed as a convenience to customers, because customers who are coming in for routine maintenance want to be in and out as quickly as possible. The quick lane employees are supervised by the service department manager, John Hennessy, who also supervises the regular service technicians.

Although some quick lane technicians strictly perform more routine, preventive maintenance work, others perform more complicated vehicle repair work that is also performed by regular service technicians. Only three of the eight quick lane technicians are strictly lube technicians whose duties are limited to extracting oil, putting in new oil and rotating tires. These three are paid on an hourly basis. The remaining five quick lane technicians also perform more complicated tasks, such as alignments and brake work. These employees are paid on the same flat rate system as the other service technicians.

In addition, all service technicians, including automobile service, truck service and quick lane service, are assigned to perform the 27-point inspection the Employer requires for the vehicles that are to be repaired. In performing this test, each technician inspects various maintenance issues, for example, that fluids are at the correct levels, that hoses are tight and have no leaks, that tires have sufficient tread, and that the brakes are working. If a problem is

---

<sup>17</sup> Although the record evidence does not specifically address this issue, it appears from the nature of the work, and the other record evidence regarding the work performed by the regular service technicians, that at least a substantial part of the work now done in the quick lane was formerly done by service technicians in the main service shop, and this further supports the finding that quick lane employees are properly included in a craft unit with the regular service technicians.

discovered, the technician notifies the service advisor, who then notifies the customer and recommends the additional work. If a warranty issue is discovered, the technician must notify managers Wang or Hennessy so that they can verify and approve the warranty work. Quick lane employees, including lube technicians, are fully qualified to perform the 27-point inspection and do perform that inspection. There is no evidence that a lube technician who discovers a problem while making the inspection must get a more-skilled service technician to re-inspect and verify the problem before notifying a service advisor. The body shop technicians do not perform 27-point inspections, nor do the service advisors.

Not only do quick lane employees perform the 27-point inspection, they are also expected to be prepared to, and are assigned to, fix the most-commonly discovered problems. Wang testified that the 27-point inspection most often shows problems with tires, brakes and shocks, and the quick lane is expressly set up to fix those common problems. Quick lane employees change tires, flush brakes and install new hoses and belts. The evidence shows that they also fix “engine light ons,” although Wang testified that the quick lane employees were not supposed to do that work.

Finally, according to the Employer, the proposed craft unit is not appropriate unless it includes the body shop employees. In this regard, the Employer contends, and the Petitioner does not dispute, that the body shop employees are craft employees. The Employer argues that because they are craft employees, they must be included in any craft unit that is found to exist at this facility. Body shop employees may be craft employees, but they practice a different craft. Body shop employees perform different work tasks, they use different tools, and they require different training. Based on the facts of this case, the Employer’s body shop technicians do not

form a “homogeneous” group with the service technicians and should not be included in the same craft unit.<sup>18</sup>

Assuming, without finding, that the body shop employees are craft employees, that result would still not support the Employer’s argument for mandating the inclusion of the body shop employees in the service technician craft unit. The Board does not require the parties to combine employees from different crafts into one craft unit merely because both groups of employees are craft employees. The Conger Printing Co., Inc., 175 NLRB 551 (1969); *see also* Burns and Roe Services Corporation, 313 NLRB 1307 (1994). The Employer cites no case in which the petitioner sought a service technician craft unit and the Board held that the craft unit must also include the body shop employees. Therefore, in this case, where the two groups of employees have separate supervision and where the Employer has not blurred the lines of the separate crafts by cross training or by cross-craft work assignments, I conclude that the service technician craft unit is an appropriate unit without the inclusion of the body shop employees.<sup>19</sup>

I conclude that the service advisors are not skilled service technicians nor are they helpers or apprentices who may be included in the craft unit. Unlike the service technicians, the service

---

<sup>18</sup> The evidence shows that the Employer considers the pre-delivery inspection team to be part of the body shop. The pre-delivery inspection employees are supervised by Dan Adams, the body shop manager, and their work area is located just outside of the body shop. The Employer suggested at the hearing that Mike Parks is a “dual-function” employee who also performs service technician work. The mere fact that other employees not included in the unit perform some minor tasks that are similar to those performed by the craft employees is not enough, in and of itself, to warrant inclusion in the unit. *See Burns And Roe Services Corporation*, 313 NLRB 1307, 1309 (1994). Moreover, neither party took a definite position on the record as to his dual function status or presented evidence that he is a dual-function employee. The Employer also did not contend in its brief that Parks is a dual function employee.

<sup>19</sup> The Employer also argues that the prevailing pattern of bargaining in the geographic area where the dealership is located demonstrates that any appropriate unit must include both the body shop employees and the service technicians. In support of this argument, the Employer introduces certain collective bargaining agreements and Regional Director decisions. There are other Regional Director decisions in this same area in which the body shop employees are not included. I recognize that based on Dundee’s Seafood, Inc., 221 NLRB 1183, 1184 (1975), the form that self organization has taken in an industry is a factor in determining the appropriate unit. However, the Board in Dundee’s cites a Supreme Court case, NLRB v. Metropolitan Life Insurance Co., 380 U.S. 438, 442 (1965), which held that self-organization in an industry was one factor, although not the controlling factor, in the Board’s determination. In these circumstances, the Employer itself has not contrary bargaining history and the evidence that several bargaining units in northern California include service technicians as well as body shop and/or parts department employees is insufficient to mandate the inclusion of these employees in the unit.

writers do not spend a significant portion of their time performing complex or even minor vehicle repairs that require specialized skills and there is no evidence that the ability to perform repair or maintenance work is a job requirement for the service writers. The record also does not show that the service writers physically assist the service technicians in making repairs; are required to have extensive service technician training or experience; or are required to have an extensive tool collection with which to perform mechanical repairs. The record reflects that the function of the service advisors is sales oriented, in that when the customer first arrives at the dealership, the service advisors are to work with the customer regarding what work the customer wants performed and then are to communicate that information to the service technicians. The service writers also contact the customers to discuss possible additional work that could be performed on their vehicles and to discuss when work on the customer's vehicle will be completed. Consistent with their job function, the Ford training the service writers receive is largely customer service related and not oriented toward vehicle repair, and there is no evidence that the service writer position is a training ground for future service technicians. The service technicians do not have significant customer contact and have a very specialized function; namely, mechanical repair work. Therefore, despite their interactions with the service technicians and the common supervision they share, I have concluded that they service writers should not be included in the service technician craft unit.<sup>20</sup>

#### The Quality Control Employee Is Properly Included in the Service Technician Craft Unit

The Employer created the job of quality control specialist about three weeks prior to the hearing. The evidence shows that Kevin Kroeze, the quality control specialist, performs a

---

<sup>20</sup> See Fletcher Jones, Above. In that case the petitioner sought a service technician unit, and the Regional Director decided to include dispatchers (service writers) and other service department employees in the unit with the service technicians. The Board held that a service technician unit was appropriate and did not include the dispatchers in the unit..

combination of service shop trim work and post-repair inspection work. Prior to assuming the quality control specialist job about three weeks ago, Kroeze was a service technician in the Employer's main service shop for the past 18 years. He worked on lead technician Glenn Clays' team. In the main shop, Kroeze primarily performed trim work involving convertible tops, nips, tucks, adjustments, radio replacements, and generally making various vehicle parts fit together properly. Kroeze continues to perform that same work for at least 20% of his work time. During the remaining 80% of his work time, Kroeze inspects vehicles that have received service repairs.

Wang, the Parts, Service and Body Shop Director, testified that the Employer created the quality control position because a lot of vehicles were not being properly repaired and a post-repair inspection was needed. He further testified that the Employer offered the job to Kroeze because there was not enough trim work to keep Kroeze occupied full-time, so he was leaving work around 1:00 pm and not earning very much money. Most importantly, because of his 18 years of experience in the main service shop, Kroeze had the expertise necessary to perform post-repair inspections. Kroeze continues to report to Hennessy, the service department manager, and the quality control job is limited to vehicles in the service shop. Kroeze does not perform quality inspections for the body shop.

### **III. CONCLUSIONS**

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, including the parties' arguments made at the hearing and the brief filed by the Employer, and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.



2. The parties stipulated, and I find, that the Employer is a Delaware corporation with a facility and office located in Stockton, California, where it is engaged in the retail sale and service of new and pre-owned Ford and other makes of vehicles. During the past 12 months, the Employer in conducting its business operations has had gross revenue in excess of \$500,000 and has purchased and received at its Stockton, California facility goods valued in excess of \$5000 directly from suppliers located outside the State of California. Based on these facts, the parties also stipulated, and I find, that the Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act. In these circumstances, I find the assertion of jurisdiction in this case to be appropriate.

3. The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of the Act.

4. The Petitioner claims to represent certain employees of the Employer, and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer at its Stockton, California facility constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time automotive technicians, truck and fleet technicians, quick lane technicians, asset technicians and QC technicians, and their apprentices; excluding all other employees, including body shop employees, service advisors, parts department employees, business office clerical employees, guards, and supervisors as defined in the Act.

#### **DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they

wish to be represented for purposes of collective bargaining by Machinists and Mechanics Lodge No. 2182, Machinists District Lodge No. 190, International Association of Machinists and Aerospace Workers, AFL-CIO. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

#### Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

#### Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior

Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). The undersigned shall make the list available to the Petitioner when the undersigned shall have determined that an adequate showing of interest among the employees in the unit found appropriate has been established.

To be timely filed, the list must be received in the NLRB Region 32 Regional Office, Oakland Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before **October 21, 2005**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (510) 637-3315. Since the list will be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

#### Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting

requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on **October 28, 2005**. The request may **not** be filed by facsimile. In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, D.C. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance electronic filing can also be found under "E-Gov" on the National Labor Relations Board web site: [www.nlr.gov](http://www.nlr.gov).

Dated: October 14, 2005

---

Alan B. Reichard, Regional Director  
National Labor Relations Board  
Region 32  
1301 Clay Street, Suite 300N  
Oakland, CA 94612-5211

32-1309

440-1760-0500  
440-1760-9133-3400  
440-1760-9133-4300  
440-1760-9133-6700  
440-1760-9167-0233